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**Abstract**  
**of**  
**Child Pornography**  
**An Exploratory Study**  
**By**  
**John M. McBrien**

**Statement of Problem**

This study seeks to explore the world of child pornography. Despite a wealth of literature on the topics of pornography and child sexual abuse, very little information exists on the specific subject of child pornography. The deleterious effects of child pornography on its victims is well known within the medical and social work fields. Additionally, operating as a separate subculture, the world of child pornography has its own organizations and publications that help to perpetuate the industry and the continuous victimization of children. Yet even with these facts, there is not a large amount of research on this subject. Therefore, this study will shed light on this neglected area.

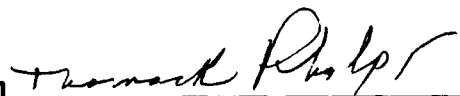
**Sources of Data**

This study has relied primarily on the literature available within the libraries at California State University, Sacramento and University of California, Davis. Additionally, when available, extensive use of computer databases have been utilized.

**Conclusions Reached**

The following conclusions emerge as a result of this study. First, child pornography must be outlawed. Secondly, it is important that child pornography be separated from the subject of child sexual abuse when explaining the topic. Third, it is important to conduct background checks on people who volunteer to work with children. Fourth, known pedophile organizations must be continuously monitored. Fifth, efforts to reduce the runaway youth population must be a high governmental priority. Finally, the sources of foreign child pornography must be curtailed and abolished.

Committee Chair's Signature of Approval



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**CHILD PORNOGRAPHY  
AN EXPLORATORY STUDY**

**JOHN M. McBRIEN**  
**A.A., Mesa Community College, Mesa AZ., 1978**  
**B.S., Arizona State University, Tempe Az., 1982**

**THESIS**

**Submitted in partial satisfaction of  
the requirements for a degree of**

**MASTER OF SCIENCE**

**in**

**CRIMINAL JUSTICE**

**at**

**CALIFORNIA STATE UNIVERSITY, SACRAMENTO**

**Summer  
1990**

**CHILD PORNOGRAPHY  
AN EXPLORATORY STUDY**

**A Thesis**

**by**

**John M. McBrien**

**Approved by:**

Thomas R. Phelps, Chair  
Thomas R. Phelps

Miki Vohryzek-Bolden, Second Reader  
Miki Vohryzek-Bolden

Date: 7 August 1990

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I certify that this student has met the requirements for format contained in the Manual of Instructions for the Preparation and Submission of the Master's Thesis, and that this thesis is suitable for shelving in the Library and credit is to be awarded for this thesis.

Thomas R. Pyle

Graduate Coordinator

7 August 1990

Date

Department of Criminal Justice

**Abstract**  
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This study seeks to explore the world of child pornography. Despite a wealth of literature on the topics of pornography and child sexual abuse, very little information exists on the specific subject of child pornography. The deleterious effects of child pornography on its victims is well known within the medical and social work fields. Additionally, operating as a separate subculture, the world of child pornography has its own organizations and publications that help to perpetuate the industry and the continuous victimization of children. Yet even with these facts, there is not a large amount of research on this subject. Therefore, this study will shed light on this neglected area.

**Sources of Data**

This study has relied primarily on the literature available within the libraries at California State University, Sacramento and University of California, Davis. Additionally, when available, extensive use of computer databases have been utilized.

**Conclusions Reached**

The following conclusions emerge as a result of this study. First, child pornography must be outlawed. Secondly, it is important that child pornography be separated from the subject of child sexual abuse when explaining the topic. Third, it is important to conduct background checks on people who volunteer to work with children. Fourth, known pedophile organizations must be continuously monitored. Fifth, efforts to reduce the runaway youth population must be a high governmental priority. Finally, the sources of foreign child pornography must be curtailed and abolished.

Committee Chair's Signature of Approval



## DEDICATION

To my wife Pamela, for her love.



## ACKNOWLEDGMENTS

I should like to thank the following:

The United States Air Force for providing me with the opportunity to pursue this degree.

Dr Miki Vohryzek for listening and caring.

Finally and most importantly, Dr Thomas Phelps without whom the AFIT program at Sac State would come to a grinding halt.

## Table of Contents

	Page
Dedication.....	vi
Acknowledgments.....	vii
List of Tables.....	ix

Chapter	Page
1. INTRODUCTION.....	1
The Problem.....	2
Need for Study.....	3
Scope and Limitations.....	4
Definitions.....	5
Methodology.....	7
Organization of Remainder of Study.....	8
Notes.....	9
2. REVIEW OF THE LITERATURE.....	11
Introduction.....	11
History of Problem.....	11
Child Pornography The Law and The Courts.....	13
The Victims.....	20
The Offenders.....	23
Methods of Operation.....	28
Discussion.....	32
Notes.....	35
3. PEDOPHILE ORGANIZATIONS AND PUBLICATIONS.....	41
Introduction.....	41

	Page
Early Publications.....	42
Groups and Other Publications.....	43
Discussion.....	47
Notes.....	49
4. Summary, Conclusions and Recommendations.....	51
Summary.....	51
Conclusions.....	54
Recommendations for Future Research.....	56
Notes.....	59
Bibliography.....	61

## List of Tables

Table	Page
2.1 Summary of Causes of Pedophilia.....	25
2.2 Summary of Elements of Child Pornography Industry....	33

## CHAPTER ONE

### Introduction

This study does not seek to address the issue of the rightness or wrongness of the general subject of pornography. Rather, this research will be limited to the area of child pornography. Although to some it may seem impossible to separate the two subjects, it is the author's belief that child pornography is a subject that should be dealt with in terms other than those used when speaking about the subject of pornography in general.

As noted in the Meese Commission report, discussions on what to do about pornography generally revolve around legalistic and constitutional issues.<sup>1</sup> Once the discussion includes these two elements, a period of lengthy litigation and very few solutions to any problems or concerns is sure to ensue. It is because of the litigious nature of this subject that for the problem of child pornography to be solved (or as a minimum addressed), it must be successfully separated from the current battles that are being waged against pornography in general.

The problem of pornography and its actual and/or perceived consequences is very well documented. Unfortunately, as far as child pornography is concerned, very little work has been done. Therefore one of the major goals of this study is to shed some light in this very dark corner

of the world of pornography.

### The Problem

The problem that this study seeks to investigate is the world of child pornography. According to a 1982 General Accounting Office report, the exact number of children involved in the child pornography industry cannot be determined.<sup>2</sup> This notwithstanding, what can be determined are some of the effects that participation in this activity has among children.

O'Brien notes several different effects on children as a result of participation in child pornography:

1. The psychological damage involved in provoking the sexual nature of the child prematurely.
2. It ruins the self image of a child.
3. It is exploitative. It implies that children want to be harmed because they desire this experience.
4. It makes children vulnerable to adults in unnatural ways.
5. It spreads incorrect information about sex which hinders a child's normal sexual functioning later in life.
6. It forever invades a child's privacy.
7. It complicates a child's moral and emotional development.<sup>3</sup>

In a more clinical observation Burgess et al., noted the following long term psychological and social adjustment effects of child pornography on it's victims:

1. Integration of the event. The child has mastered the anxiety about the exploitation.

When asked about the event the child neither avoids nor encourages discussion but is able to talk of the event with reasonable objectivity. Eventually the child achieves a sense of normalcy.

2. Avoidance of the event. The anxiety about the exploitation remains sealed off either consciously or unconsciously. When asked about the event the child denies and refuses to recognize that the event occurred and may not be able to recall it clearly. The child feels responsible for the event and has a lowered sense of self worth.
3. Repetition of symptoms. The child falls victim to a chronic posttraumatic stress disorder. When asked about the event the child with recurrent symptoms becomes quite anxious. He feels guilty and blames himself - not the adult - for participating.
4. Identification with the exploiter. The child begins to imitate the exploiter. The child masters his anxiety by exploiting others.<sup>4</sup>

As the two examples above point out, the problems associated with child pornography clearly extend well beyond the realm of legalistic and constitutional issues.

#### Need for Study

When reviewing the literature on the subject of child pornography, the need for this study becomes immediately apparent. Volumes have been written on the subject of pornography but comparatively little has been written on the subject of child pornography. Consequently this study seeks to ameliorate this condition. Furthermore, it is the hope of this writer that the study will serve to focus more attention on this most critical problem, while at the same time making it clear why this issue should be dealt with as a separate issue.

### Scope and Limitations of Study

This study is designed as an exploratory look at the world of child pornography. Such a study is limited in the fact that it does not present any real solutions to the serious problems associated with child pornography. Rather, it will provide the reader with a systematic understanding of this subterranean world.

This study is also limited by the fact that it does not fully address the issue of child sexual abuse. Clearly child pornography is child sexual abuse, however, to fully explore this facet of the problem would change the direction of this study. Like the general subject of pornography, much has been written on the subject of child sexual abuse. This study does not seek to add to these most valuable works. Therefore, in the interest of clarity of focus, this study will attempt to concentrate solely on the subject of child pornography.

The following are the research questions that this study will address:

1. What is the history of child pornography in America?
2. What has been the response of the law and the courts to the issue of child pornography?
3. Who are the victims of child pornography?
4. Who are the offenders involved in child pornography?
5. What type of material is involved/collected in child pornography?



6. What are some of the methods used in collecting, producing and distributing child pornography?
7. What organizations and/or publications are involved in advocating child pornography?

### Definitions

Several words shall be used in this study on repeated occasions. Therefore, in the interest of standardization, the following definitions will be offered before proceeding further.

**Child Pornography:** Several authors have offered different views on just what exactly is or is not child pornography. For instance, Schoettle states that: "child pornography is defined as any visual reproduction of the sexual abuse of children."<sup>5</sup> On the other hand, Ennew offers the following view of child pornography "...as the representation of sex and/or sexuality - in literature or in visual media such as drawings, sculptures, photographs, films and video - for the sole purpose of stimulating the viewer."<sup>6</sup> Campagna and Poffenberger feel that child pornography "...can be defined as the use of underage persons as subjects or models in the production of sexually suggestive, provocative, or explicit materials. The finished products can include photographs, films, magazines, slides, drawings, and videotapes."<sup>7</sup>

Although each of these definitions are quite valuable, they do tend to be narrow in their scope and somewhat antiseptic in their tone. Therefore, the following

definition offered by O'Brien best describes just exactly what child pornography is:

It is almost impossible to confine the meaning of child pornography within a narrow, precise definition. We can break the words down, dictionary style, but the result falls short of revealing the magnitude and complexity of the problem.... Some say that child pornography is defined basically as sexually explicit material with children as the subject. But this, too, fails to give the whole picture. It omits the graphics: the photographs, films, slides, magazines and books showing children engaged in sexually explicit acts or simulated acts with themselves, with one another, or with adults. Definitions somehow do not adequately describe those pornographic films using "stars" as young as 3 years of age. Nor do they adequately portray the long-term effects of these experiences on the lives of involved children.<sup>8</sup>

**Pedophilia and Pedophile:** The definition of these terms can lead into a rather extended and complex discussion.<sup>9</sup> As noted by Goldstein, the term "child molester" is generally what most people use when they refer to pedophilia or pedophiles.<sup>10</sup> Unfortunately this term is so generic that it can actually represent a wide range of behaviors. Therefore, in an attempt to clear up any misconceptions and in the interest of simplicity, some of the finer points of these arguments shall be ignored and the terms will be defined in rather general language. Pedophilia is best defined "...as an adult's sexual preference for, or attraction to, underage persons."<sup>11</sup> A pedophile is best defined as "...a person who derives gratification from engaging in sexual activities with minors."<sup>12</sup>

### Methodology

As this study is exploratory in nature, the primary methodology used in its completion has been a review of the current literature. Several strategies have been employed to complete this review. Where possible computer data base searches have been done in order to speed the retrieval of information and to insure the sufficiency of coverage. In addition, extensive use has been made of the Social Science Citation Index, Criminal Justice Abstracts and The Criminal Justice Periodical Index.

Another tool used in completing this study has been the use of multiple libraries. A review of the literature has shown that there is very little information on child pornography within criminal justice periodicals. Consequently the search for information led to the Medical and Law Libraries at the University of California Davis. While finding there to be a paucity of information on this subject at the CSUS library, a relatively large amount of information on child pornography was found within various medical and legal journals.

A final strategy used in the preparation of this study has been an interdisciplinary approach. As has been previously discussed, there is very little information with regard to child pornography within criminal justice literature. In response to this fact, the scope of the information search used in producing this study had to be

widened. This work represents a review of current literature from the criminal justice, medical, legal, and social work fields.

#### Organization of Remainder of Study

Chapter Two represents a review of the current literature with regard to the subject of child pornography. It is the goal of this chapter to answer the majority of the research questions posed in Chapter One.

Chapter Three of this study will identify various groups and publications that advocate the use and production of child pornography. This chapter will answer any research question that has remained unanswered in Chapter Two of this study.

Finally Chapter Four of this study will present a summary, conclusions and recommendations for future research.

# NOTES

1 U.S. Department of Justice, Attorney General's Commission on Pornography: Final Report (Washington: GPO, July 1986), vol. 1, 249-276.

2 General Accounting Office, Sexual Exploitation of Children -- A Problem of Unknown Magnitude. Report to the Chairman, Subcommittee on Select Education, House Committee on Education and Labor (Washington: GPO, 1982): 7-9.

3 Shirley O'Brien, Child Pornography (Dubuque, Iowa: Kendall/Hunt Publishing Company, 1983), xi-xii

4 Ann Wolbert Burgess, et al., "Response Patterns in Children Exploited Through Sex Rings and Pornography," The American Journal of Psychiatry 141, no.5 (May 1984): 658-659.

5 Ulrich C. Schoettle, "Child Exploitation: A Study of Child Pornography," Journal of The American Academy of Child Psychiatry 19, no. 2 (Spring 1980): 289.

6 Judith Ennew, The Sexual Exploitation of Children (New York: St Martins Press, 1986): 116.

7 Daniel S. Campagna and Donald L. Poffenberger., The Sexual Trafficking in Children (Dover, Mass.: Auburn House Publishing Company, 1988), 116.

8 O'Brien, 3.

9 For an example of these discussions, see: David Finkelhor and Sharon Arajli., "Explanations of Pedophilia: A Four Factor Model," The Journal of Sex Research 22, no. 2

(May 1986): 145-161; and, Seth L Goldstein, The Sexual Exploitation of Children: A Practical Guide to Assessment, Investigation and Intervention (New York: Elsevier Science Publishing Company Inc., 1986).

10 Goldstein, 18-19.

11 Campagna and Poffenberger, 18.

12 Ibid.

## CHAPTER TWO

### REVIEW OF THE LITERATURE

#### Introduction

This portion of the study will review the pertinent literature on the subject of child pornography. It is hoped that this review will successfully answer the following research questions that have been posed in Chapter One of this study.

1. What is the history of child pornography in America?
2. What has been the response of the law and the courts to the issue of child pornography?
3. Who are the victims of child pornography?
4. Who are the offenders involved in child pornography?
5. What type of material is involved/collected in child pornography?
6. What are some of the methods involved in collecting, producing and distributing child pornography?

#### History of the Problem

As noted by Walters, the problem of child pornography is not a new one. It's origins can be traced back to Greek and Roman civilizations. As far as attempts to control this activity within the United States, our efforts can be identified as early as 1712 in Massachusetts.<sup>1</sup>

Even though laws have been on the books for over 270 years, we are still ineffectively dealing with this problem.

The period between 1912 and 1977 saw the public preoccupied with the problem of defining terms and concepts such as: pornographic material, obscene material, socially redeeming value and freedom of the press.<sup>2</sup> With these arguments taking priority, it was not until the passage, at the federal level, of the Protection of Children Against Sexual Exploitation Act in 1977 that the issue of child pornography began to move to the forefront.<sup>3</sup>

The 1977 Act made it illegal to produce any sexually explicit material using a child under the age of sixteen, if such material was destined for, or had already travelled in interstate commerce.<sup>4</sup> Furthermore the law provided for up to a 10 year prison term and/or \$10,000 fine for those violating the provisions of the law.<sup>5</sup>

As noted by the Meese Commission:

Strong as it appeared to be on its face, the 1977 Act was soon found by federal law enforcement officials to be of only limited practical value. The production of child pornography is so clandestine in character that from 1978 to 1984 only one person had been convicted under that portion of the 1977 Act.<sup>6</sup>

With these shortcomings in mind, Congress passed the Child Protection Act of 1984. Among other things, this law removed the requirement that interstate trafficking, receipt or mailing of child pornography must be for the purpose of "sale" in order to be defined as criminal. Additionally, it also raised the amount of potential fines and included new sections authorizing criminal and civil forfeiture actions



against violators.<sup>7</sup> Again as noted by the Meese Commission report:

The result of these revisions was a dramatic increase in federal prosecutions. In the first nine months after passage of the 1984 Act, virtually the same number of people were indicted for federal child pornography offenses as had been indicted during the previous six years.<sup>8</sup>

As can be seen by the foregoing chronology, the federal government has been active, albeit slowly, in the formulation of law to curtail the child pornography industry. However, the Meese Commission takes an overly optimistic view when it concludes that "it appears, in any case, that the 1977 Act effectively halted the bulk of the commercial child pornography industry, while the 1984 revisions have enabled federal officials to move against the noncommercial, clandestine mutation of that industry."<sup>9</sup> In the light of history, it would appear that this is an overstatement of the contributions of these laws. Although they have had an effect on the problem, they have not eliminated it. As will be demonstrated in other portions of this research, the problem still exists.

#### Child Pornography - The Law and The Courts

As noted in an earlier section of this study, there are laws at the federal level designed to cope with the problem of child pornography. In addition, 47 states<sup>10</sup> have enacted legislation governing this subject. For instance, Title 9 Section 311.3 of the California Penal Code prohibits the depicting by film photograph, or videotape, sexual conduct

by persons under the age of 14. Furthermore, it provides for punishment of up to one year in the county jail and a \$2000 fine.<sup>11</sup> However, statutes of this type are subject to constant challenge on the grounds of constitutionality. Although a discussion of each of these laws is outside the scope of this study, the following information will provide an understanding of the position held by the United States Supreme Court relevant to this issue.

Three cases stand out as landmark decisions in the history of the Supreme Court's response to the question of child pornography. Two of these cases, Roth v. United States (353 U.S. 476, 1957) and Miller v. California (413 U.S. 15, 1973) deal primarily with the issue of pornography. The case New York v. Ferber (458 U.S. 757, 1982) deals solely with child pornography and is still the most prominent case to date dealing with this subject. Two final cases are also relevant to this issue, Stanley v. Georgia (394 U.S. 557, 1969) and Osborne v. Ohio (1990).

In Roth v. United States the Supreme Court held that "obscenity is not within the area of constitutionally protected speech or press."<sup>12</sup> This finding is significant in that it limited the rights of the first amendment to the United States Constitution as they apply to the issue of obscenity. Unfortunately what the Roth decision did not do was define the term obscenity. This question was not resolved until the Supreme Court took up the case of Miller v. California.

The significance of the Miller case cannot be understated. Where Roth held that obscenity is not within the area of constitutionally protected speech or press, Miller set objective standards for its determination. In order to achieve future successful prosecution, the Court in Miller set forth the following basic guidelines that must be met:

1. The average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interests.
2. The work depicts or describes in a patently offensive way, sexual conduct specifically defined by the applicable state law.
3. The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.<sup>13</sup>

The interpretation of this standard proved to be the basis of appeals in numerous obscenity cases. However, in New York v. Ferber the Miller doctrine was applied in a child pornography case. The results of this test culminated in a new legal precedent.

The case arose when Paul Ferber, the proprietor of a Manhattan bookstore specializing in sexually oriented products, sold two films to an undercover police officer. The films were devoted almost exclusively to the depiction of children involved in sexual activity. Ferber was indicted on two counts of promoting an obscene sexual performance and two counts of dissemination of child pornography. After a jury trial he was acquitted of the former but found guilty of the latter.<sup>14</sup>

The trial judge had rejected the defendant's argument that the indictment violated his first amendment rights and following Ferber's conviction, the Appellate Division of the New York Supreme Court affirmed.<sup>15</sup> The New York Court of Appeals reversed the conviction after finding that the statute violated the first amendment, concluding that the law was at the same time both underinclusive and overbroad. Specifically:

It was underinclusive, per the court, since it selectively prohibited non-obscene depictions of children engaged in sexual activities while it did not at the same time prohibit depictions of other dangerous activity. As to its overbreadth, the court observed that the statute would prohibit materials such as medical or educational books that also deal with adolescent sex.<sup>16</sup>

Finally, the case was brought before the United States Supreme Court on a writ of certiorari. The question before the Court was:

To prevent the abuse of children who are made to engage in sexual conduct for commercial purposes, could the New York State Legislature, consistent with the first amendment, prohibit the dissemination of material which shows children engaged in sexual conduct, regardless of whether such material is obscene?<sup>17</sup>

While recognizing that like obscenity statutes, laws directed at the dissemination of child pornography run the risk of suppressing protected expression, the Court nevertheless upheld the statute's validity reasoning that "the states are entitled to greater leeway in the regulation of pornographic depictions of children."<sup>18</sup>

In finding the New York statute constitutional, the

Court noted, that as in Miller, the states have greater discretion in the regulation of pornographic material involving children. Further, they may prohibit the depiction of sexual acts performed by minors when similar sexual acts enjoy first amendment protections if they are acted out by adults. The Court also pointed out that legislation aimed at providing protection for the emotional as well as physical well-being of children has been sustained, even when those laws operate in the area of constitutionally protected rights.<sup>19</sup>

The net result of the action taken by the Court in Ferber was two-fold. First, child pornography no longer would have to meet the Miller test. Secondly, and perhaps more importantly, it eliminated the first amendment protection for child pornography and established the following guidelines:

1. The prohibited conduct must be adequately defined by the applicable state law.
2. The state offense is limited to works that visually depict sexual conduct by children below a specified age.
3. The category of proscribed "sexual conduct" must be suitably limited and described.
4. Scienter of the content of the prohibited material must be proven.<sup>20</sup>

The above guidelines have allowed the states to prohibit non-obscene child pornography, both at the level of production and distribution. Since the Ferber decision, several state courts have utilized its rationale and

decision to sustain local statutes directed at controlling child pornography.

An example of the successful uses of the Ferber doctrine is provided by Woolsey. Reviewing three separate cases from the state of Washington, Colorado and Utah, he noted that each of the defendants appealed his case on the grounds that the statutes governing their offenses were overly broad, vague, and in violation of the first amendment. In each of the cases, the state courts involved relied on the same rationale used in the Ferber case to sustain the convictions, while reaching the similar conclusions that the need to protect the child is of paramount importance.<sup>21</sup>

As has been noted previously, the effect of New York v. Ferber has been two fold. First it no longer required child pornography to meet the Miller standard and second, it removed the constitutional protection of the first amendment. Consequently, laws to prohibit the production and distribution of child pornography have faced few successful challenges on the grounds of constitutionality. However, the issue of possession of child pornography is not addressed by Ferber and until recently remained an open question.

The leading case in the area of possession of obscene material for private use is Stanley v. Georgia. In Stanley the defendant was indicted, tried and convicted for possession of obscene material in violation of Georgia law. The conviction was overturned on the basis of the first and

fourteenth amendments as the Supreme Court held:

If the first amendment means anything, it means that a state has no business telling a man, sitting alone in his own house, what books he may read. Our whole constitutional heritage rebels at the thought of giving government the power to control men's minds.<sup>22</sup>

Again, until recently, the current situation with regard to possession has not changed substantially since Stanley.

As noted by Di Gennaro:

There are no cases, however, that address the right to actually possess child pornography, in part because the courts uphold convictions not for possession, but for receiving, or some other permissible offense.<sup>23</sup>

Kent and Truesdell note the issue is further complicated by the fact that:

The Supreme Court, however, has not yet reconciled the Stanley holding, striking down statutes that prohibit the possession of obscene material in the home, with the Ferber holding, validating statutes that outlaw the distribution and production of even non-obscene child pornography.<sup>24</sup>

The importance of resolving the question of possession is stressed by Kent and Truesdell:

Since current methods of fighting the child pornography problem through production and distribution laws are largely ineffective to combat the tragedy, criminalizing possession of child pornography is needed to effectuate the state's interest in protecting its youngest and most vulnerable citizens. Any impact on protected speech is at most slight, while the benefits to children are great. On balance, the state's interest in protecting children from the abuse intimately linked to child pornography clearly outweighs the individual's interest in possessing such material. Indeed, it would be difficult to imagine a more compelling state interest than the protection of children and society against the

physical, psychological, and sociological harm of child sexual abuse and child pornography.<sup>25</sup>

In the recent case of Osborne v. Ohio it would appear that the Supreme Court has reconciled the differences between Stanley and Ferber. In a 6-3 decision the Court banned the possessing of child pornography.<sup>26</sup> Although it is much too early to assess the impact of this ruling, as it was only rendered in April 1990, it is clear that the Justices feel that the interests of the victims far out weigh any impingement on the rights of free speech or press that this decision may cause.

#### The Victims

In this portion of the study, the subject of victims will be examined. Before starting this discussion it must be stated that there is no set profile for the type of child most likely to become involved in child pornography. It has been noted by various authors<sup>27</sup> that the kinds of children involved include those from all religious, ethnic and socio-economic groups. Perhaps the one exception to this is the fact that it appears that white children are preferred because they appeal to the predominately white male clientele.<sup>28</sup>

In reviewing the literature on the subject of child pornography, a consensus emerges that the majority of victims are runaways<sup>29</sup> and their involvement in pornography stems from the need for economic survival. O'Brien notes:



There are one million runaways in the United States every year. These children need food and clothing, and a place to stay. If they are rural children who run away and find themselves alone in the big city for the first time, they are likely to be quite desperate. A 13-year old with empty pockets and an empty stomach, alone in a strange city, quickly finds how limited his or her survival skills are....<sup>30</sup>

Pierce reiterates this view by saying:

Survival is a key factor for many youngsters who become involved in the trade. Some law enforcement officials and psychologists share this belief, noting that the victims will sell themselves to survive and in doing so, mistakenly interpret seduction as affection. It has been noted that when survival is the key issue, the child's vulnerability increases. Therefore, unable to find work and fearful of returning to their intolerable home lives, there is, or seems to be, nowhere else for them to go.<sup>31</sup>

Although the most frequent participant in child pornography may be the runaway and the most common reason may be survival, other categories and causes do appear in the literature such as: second generation sex commercializers,<sup>32</sup> emotionally impoverished,<sup>33</sup> destitute families,<sup>34</sup> institutionalized "throwaways,"<sup>35</sup> and street kids<sup>36</sup>. What follows is a brief discussion of each of these categories.

The first category, second generation sex commercializers, includes children of parents who are pornographers, pimps, prostitutes, or drug pushers.<sup>37</sup> "While the majority of filmmakers will rely on runaways as their subjects, others simply use their own children.... For his or her participation, the child may receive a small reward such as money or drugs."<sup>38</sup>

The second category, emotionally impoverished, includes the child who is so in need of love that he will accept whatever type of affection that he can receive be it negative or positive. This category also includes homes with serious family problems. In research conducted by Holmes: "it became evident that family disorganization and discord is associated with juvenile participation in pornography."<sup>39</sup>

The type of child that would fall into the third category, destitute families, would seem to be quite evident. "In some instances, parents may be so hard-pressed financially that they knowingly permit the child to be abused."<sup>40</sup> Herrmann paints a picture of hundreds of thousands of children worldwide being sexually abused just so parents can survive financially.<sup>41</sup>

Children who make up the fourth category, institutionalized "throwaways", are often a combination of the runaway and the emotionally impoverished. Placed into institutions or foster homes for one reason or another, they fall into the world of pornography out of a need for affection.<sup>42</sup> Often "the "throwaway" child feels unwanted and is therefore more likely to accept help from a stranger with strings attached."<sup>43</sup>

The final category, street kids, includes the "street wise" city kid who becomes involved in pornography for economic gain, with little concern for the long range effects on his emotional and physical health.<sup>44</sup>

### The Offenders

Having discussed various aspects of the child pornography problem in brief, it is now time to address the most important aspect of this problem. Although most would argue that a child would be the most important person involved in pornography, the author tends to disagree as it is the offenders who perpetuate this problem. So then, who is it that becomes involved in child pornography and what are they collecting? In this portion of the research, an attempt will be made to seek some answers to these questions and more.

Pedophilia or "a sexual interest in children, whether or not that interest is acted upon"<sup>45</sup> is a subject that is addressed frequently in the literature<sup>46</sup>. Goldstein states that "the basis of sexual exploitation of children in America is pedophilia...."<sup>47</sup> Therefore, as child pornography is a form of sexual exploitation, the argument can be put forth that people who are involved in child pornography are pedophiliacs. But why do adults become interested in children? This question involves a rather complex debate but, for the purposes of this study this researcher shall put forth the explanation offered by Finklehor and Araj:

**Emotional Congruence:** The adult has an emotional need to relate to a child.

**Sexual Arousal:** The adult becomes sexually aroused by the child.

**Blockage:** Alternative sources of sexual and emotional gratification are not available.

**Disinhibition:** The adult is not deterred from such an interest by normal prohibitions.<sup>48</sup>

The following table (2.1) from Finkelhor and Araji further clarifies these points by outlining reasons "why a person would find relating sexually to a child to be emotionally gratifying and congruent, why a person would be capable of being sexually aroused by a child, why a person would be frustrated or blocked in efforts to obtain sexual and emotional gratification from more normatively approved sources, and why a person would not be deterred by the conventional social restraints and inhibitions against having sexual relationships with a child."<sup>49</sup> The table breaks down the factors leading to pedophilia by theory type and it presents explanations for participation at the individual and social/cultural levels. The information in the table in no way excuses the pedophiliac for his actions but it does serve to explain in some manner how they came to become involved in this activity. Having now developed an understanding of how an adult can become sexually interested in a child, an examination of the child pornography collector in particular will be made.

Who is the child pornography collector? Two composites are offered by O'Brien<sup>50</sup> and Belanger et al.<sup>51</sup> In comparing the two profiles, very little substantive difference emerges. Therefore the O'Brien composite, which is the more comprehensive of the two, is offered here:

Table 2.1  
Summary of Causes of Pedophilia

Theory Type	Level of Explanation	
	Individual	Social/ Cultural
Emotional Congruence	Arrested Development Low Self Esteem Symbolic mastery of trauma Identification with aggressor Narcissistic identification	Male Socialization to dominance
Sexual Arousal	Arousing childhood experience Traumatic childhood sexual experience Operant conditioning Early modeling by others Misattribution of arousal Biological factors	Child pornography Eroticization of children in advertising
Blockage	Oedipal conflict Castration anxiety Fear of adult females Traumatic experience with adult sexuality Inadequate social skills Marital disturbance	Repressive norms about masturbation, extramarital sex
Disinhibition	Impulse disorder Senility Alcohol Problem Psychosis Situational stress Failure of incest avoidance mechanism	Cultural toleration Pornography Patriarchal prerogatives

Source: David Finkelhor and Sharon Araji, "Explanations of Pedophilia: A Four Factor Model," The Journal of Sex Research 22, no. 2 (May 1986): 145.

**Ethnicity:** White. There are some minority group perpetrators but they do not make up a significant percentage of the whole.

**Gender:** Male. Available statistics suggest that along with perpetrators, consumers of pornography are almost exclusively male.

**Age:** In the past it appeared that 40 to 50 was the average age however currently it seems to be 25 to 35.

**Income level:** Again, in the past it appeared that the perpetrator was a well-to-do citizen. Now however, he is seen to also come from the lower or middle class.

**Marital status:** The majority of perpetrators are married.

**Children:** A majority of perpetrators have their own children.

**Community standing:** Most of the perpetrators enjoy an average to high degree of community respect.<sup>52</sup>

Hartman, Burgess and Lanning further break this down by offering a typology of collectors:

**The Closet Collector:** Keeps his interests secret. There is no acknowledged communication with other collectors. Materials are usually purchased discretely through commercial channels.

**The Pedophile Collector:** Chooses to have sexual activity with one child at a time. He may be involved with his own children or other children of family or neighbors. A predominant feature of these collectors is their belief that they are not harming the child.

**The Cottage Collector:** A pedophile who sexually exploits children in a group. The intent of the pornography is for the relationships it creates with other pedophile collectors - it is a method of communication. This category represents the largest number of collectors.

**Commercial Collectors:** The commercial collector is a pedophile who has his own group of children that

he uses sexually and who has wide access to other collectors with their own groups. Information on this group is extremely limited.<sup>53</sup>

Having now established who are the collectors, a brief discussion of what it is they are compiling will follow.

Walters offers the following five categories of material:

1. Pseudo child nudism, or nudist camp atmosphere. These publications attempt to avoid laws on child pornography by calling themselves useful, in good taste, or even art.
2. Soft-core child pornography displays. Children in sexually seductive poses usually alone.
3. Hard-core child pornography shows. Children in sexual contact with adults, homosexual and heterosexual scenes may be depicted.
4. Bestiality publications or film displays.
5. Killing publications or films showing children being killed.<sup>54</sup>

As noted by O'Brien<sup>55</sup>, Tyler and Stone<sup>56</sup> and Walters<sup>57</sup>, each of these categories of material can be found in the mass media including magazines, books, still photos, film, slides and video. In addition to these different categories of material and sources of availability, two other types of products are obtainable by child pornographers. The first are travel guides which list the location and availability of children for hire in various cities and states.<sup>58</sup> The second is a standard listing service found in different publications which enables the perpetrator to advertise his wares or his desires.<sup>59</sup>

### Methods of Operation

In a previous portion of this study, the Meese Commission is quoted as saying:

It appears, in any case, that the 1977 Act effectively halted the bulk of the commercial child pornography industry, while the 1984 revisions have enabled federal officials to move against the noncommercial, clandestine mutation of that industry.<sup>60</sup>

Again, it appears that this is an exaggeration of the effect that these laws have had on the child pornography industry however, some accuracy can be found in this statement. Basically, the child pornography industry in the United States is an underground business. This portion of the research will discuss the clandestine nature upon which the child pornography industry operates.

As noted by Belanger et al.:

A typology of sex rings has been delineated as follows. In solo rings, the adult operates alone with a small group of children; in transition rings, the adult has begun to exchange or sell pornographic photographs of children and tries to pressure the child into the next ring level-the syndicated ring. In the syndicated ring, there is a well structured organization formed for recruiting children, producing pornography, delivering direct sexual services, and establishing an extensive network of customers.<sup>61</sup>

What follows is an in-depth discussion of some of the components of each of these different rings.

#### **Solo Rings**

**Organizational Factors:** Solo rings involve several children in sexual activities with an adult, usually a male, who capitalizes on his legitimate



role in the lives of these victims to recruit him into his behavior.<sup>62</sup> Goldstein relates that: "One article appearing in an underground sex publication explained how a child molester could acquire access to children by volunteering to become involved in programs dealing with children, noting that access is not only easy to obtain but such participation by adults is encouraged."<sup>63</sup> (It is not the intention here to imply that all volunteers with children are pedophiles or child molesters rather, the intention is to demonstrate how easy access to children can be.)

**Operational Methods:** Children lured into a ring are made aware rather quickly that sexual activity is a part of group membership. A key factor in the continued operation of the group is peer group dynamics. The continuation of the ring is dependent on its remaining secret and to this end three methods are employed: 1) threat of retaliation or fear of physical harm, 2) blackmail, "I'm gonna tell," and 3) peer pressure, "Don't leave you'll miss all the fun."<sup>64</sup>

#### Transition Rings

According to Belanger, et al.; "It is difficult to identify clearly this type of ring.... Typically the adults in these transition rings do not sexually interact with each other, but instead have parallel sexual interests and involvements with the adolescents who exchange sex with adults for money as well as for attention or material goods."<sup>65</sup> Lanning and Burgess have noted that: "The study of child pornography has identified this component of pedophilia in which a communication network is developed to share common interest, e.g. preference for boys or girls and fantasy scenarios, such as sexual acts with children."<sup>66</sup> Lanning and Burgess continue this point: "The participants send letters, photographs, and video and audio tapes back and forth through the carefully developed network of pedophiles."<sup>67</sup>

#### Syndicated Rings

**Organizational Components:** Items of trade include the children, photographs, films and tapes. The degree of sexual explicitness and activity may vary. Various methods are used for the circulation of these materials. They include: mail (the major

source), tape cassettes, CB radio, telephone and beepers. For mail operations, foreign mail forwarding services are used frequently. Suppliers of child pornography include pedophiles, professional distributors, and parental figures. As this is an underground network, it is a self regulating entity. Membership is not easily granted and correspondence is retained by members to ensure anonymity. Profit is not always the key motive in syndicated rings, yet there is profit to be made if that is the goal.<sup>68</sup>

**Operating Structure:** Time is a key factor in membership in syndicated rings. The time required to correspond and keep track of other members can be rather significant. Some syndicate members have been known to employ computer data bases to help with the time management problem. Storage is another problem. Storage is complicated by the fact that the size of some collections can be rather large. Furthermore, storage of correspondence involved with ring membership can be quite space consuming. A key point to remember about a pornography collection is that it isn't much good if you can't look at it.<sup>69</sup>

As can be seen by the above discussion, the users of child pornography can be classified into three basic types, with each presenting its own unique problems at the time of prosecution. However, an unanswered question at this time is where does the material come from? Although this may be impossible to say for sure, O'Brien provides the following information on how a request for child pornography is handled by a distributor:

1. Tucson Arizona pedophile requests a hard action film.
2. Tucson child pornographer recruits victims for film.
3. Victims sent to Phoenix for filming.
4. Undeveloped 8-minute film sent to Los Angeles

for processing.

5. Processed film sent to Denmark for wholesale marketing, titles and "European look."
6. Marketed film sent back to child pornographer in Tucson.
7. Child Pornographer informs pedophiles that "Denmark film" is available at \$500.<sup>70</sup>

In addition to the above, O'Brien also demonstrates the method through which child pornography is distributed. The following illustrates that process:

1. U.S. firm uses laundering scam to produce hard-core child pornography.
2. U.S. firm sends inventory to forwarding agent in Scandinavian country.
3. U.S. firm circulates catalog of new inventory.
4. Buyer makes choice, sends order to overseas country.
5. Overseas agent puts money in swiss bank for U.S. firm.
6. Agent mails order back to customer, with foreign covering includes catalog of new offerings and questionnaire requesting what other materials the customer desires.<sup>71</sup>

As both of these items demonstrate, extraordinary measures are taken to produce and distribute child pornography. Additionally these efforts have been relatively successful in evading the law but, as O'Brien notes:

Laundering is a deceptive but temporarily effective practice. However, as in any firm that deals with such large groups of employees and customers, eventually complaints arise. And it takes only one disgruntled employee to blow the whistle on an operation. So, mobility and transiency are keys to

staying in the child pornography business.<sup>72</sup>

Another view of the production and distribution of child pornography is offered by Campagna and Poffenberger. They state that the child pornography industry has four operating levels: production, distribution, sales and consumption. These levels are spread across four major market areas: international, national, regional and local.<sup>73</sup> Table 2.2 is a summary of these elements of the child pornography industry. The table discusses the production format, distribution methods, producers involved, evasion techniques utilized, and current status of child pornography at the international, national, regional and local levels.

#### Discussion

Up to this point in the study, the six research questions that were posed at the beginning of this chapter have been addressed. In summary, it has been noted that the history of child pornography dates back to Greek and Roman civilization and that this issue has been dealt with in this country for more than 200 years. Also, the evolution of Supreme Court cases relevant to this subject has been discussed. Decisions ranging from, outlawing obscenity, to the definition of obscenity, to the prohibition of the production and distribution of child pornography, and finally, what appears to be a ruling that would outlaw the possession of child pornography, have been detailed. Furthermore, the various categories from which the victims of

Table 2.2  
Summary of Elements of Child Pornography Industry

	International	National	Regional	Local
<b>Production Format</b>	State of Art technology in audiovisual equipment, development and mass reproduction processes.	Essentially the same as international.	Private developing studios and labs; lower quality of material.	Lowest quality of all the markets; relies on retail level technology
<b>Distribution Methods</b>	Mail, courier, direct sale.	Adult bookstores, mail (commercial and Postal Service), direct sale.	Mail direct purchase or exchange, adult bookstores.	Direct purchase or exchange, mail.
<b>Producers</b>	Syndicated sex rings, entrepreneurs, and free-lance photographers.	Organized crime and free-lance pornographers.	Primarily free-lance pornographers, with some work hired out on contractual basis.	Community or neighborhood pedophiles, sex rings and pimps.
<b>Evasion Techniques</b>	Mobile production and development sites, false identities, multiple disguised mailings of merchandise.	Use of middlemen to arrange routine purchases, parental release form, and mobile production and development sites.	Transient identities and locations of pornographers, rapid turnover in children used as models, and parental release forms.	Victims coerced or blackmailed into silence; offender's mobility and good reputation often insulate him.
<b>Status</b>	Still available, with emphasis on use of Third World youths as models; periodic inroads into traffic by foreign police and U.S. federal law enforcement agencies.	Extremely resilient, despite harsh federal laws occasional disruption of the flow of merchandise. Resold in neighboring countries and exported to Asia, Europe and Africa	Extremely difficult to intercept. Pimps and pornographers use juvenile hustlers and molested children as subjects. Parental consent blinds guilty parties to secrecy.	Pornography made at the local level is mainstay of the pedophilic subculture; typically discovered during police search or accidentally via postal inspections.

Source: Daniel S. Campagna and Donald L. Poffenber, The Sexual Trafficking in Children (Dover, Mass.: Auburn House Publishing Company, 1988): 120.

child pornography come from have been discussed. Additionally the different types of material involved/collected in child pornography has also been evaluated.

Along with the above items, two other areas of great interest have also been investigated: the child pornography offender and, a review of the methods involved in collecting, producing and distributing child pornography. These final two points have brought to light another aspect of the child pornography issue that deserves investigation.

While looking at the offenders involved and the methods used in the distribution, production and use of child pornography, it became readily apparent that a well defined subculture is involved in this activity. A subculture has its own organizations, rules of conduct, and publications that support the goals of its participants. A high level of complexity and sophistication characterizes this subculture. The computer age has facilitated the growth and operations of the subculture in which the pedophile and child pornographer operates.<sup>74</sup>

Realizing that there was indeed some sort of support structure for child pornographers, the author identified the organizations and publications that lend support to these individuals. The following chapter will explore and examine this support structure.

### NOTES

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3 Tina M. Beranbaum, et al., "Child Pornography in The 1970's," Child Pornography and Sex Rings, eds. Ann W. Burgess and Marieanne L. Clark (Toronto: Lexington Books, 1984), 7.

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## CHAPTER THREE

### PEDOPHILE ORGANIZATIONS AND PUBLICATIONS

#### Introduction

As Goldstein has noted, "the basis of sexual exploitation of children in America is pedophilia"<sup>1</sup>. A closer examination of some of the support systems that are in place to assist child pornographers will provide insight into the relationships of this deviant behavior to the larger problem of child sexual exploitation.

The world of child pornography is a closed society. There are organizations and publications which reflect the goals of those who are active in the world of the child pornographer. According to Campagna and Poffenberger, these publications and organizations perform a multitude of functions and exist for the following purposes:

1. To recruit and expedite the exchange of information and correspondence among pedophiles.
2. To act as a medium for advertisers and distributors of soft-core child pornography.
3. To promote political activism and organization.
4. To alert members or subscribers to recent court decisions and active criminal investigations.
5. To provide a bulletin board news service as to the whereabouts of sexually available minors.
6. To raise funds for legal representation of accused pedophiles.

7. To offer sexual stimulation in the form of erotic fiction or suggestive photographs of minors.<sup>2</sup>

What follows in this chapter is a brief description and discussion of the prominent organizations and publications associated with the child pornography movement. In summary, this chapter will respond to the final research question posed by this study. Specifically, it will identify organizations and/or publications involved in advocating child pornography.

### Early Publications

According to a United States Senate report, the first era of pedophile publications predates the mid to late 1970's.<sup>3</sup> Prior to this time, child pornography was sold in adult bookstores and most police departments were not actively pursuing cases involving child sexual exploitation.<sup>4</sup> The two most influential publications during this period were: Person to Person (PTP) and Broad Street Journal (BSJ).<sup>5</sup>

PTP was published in Hollywood, California until 1978 when its founder, Bobby Wayne Seida, was sentenced on misdemeanor charges of distributing pornographic materials. Its nationwide mailing list was confiscated and printing of Person to Person was terminated.<sup>6</sup> PTP was similar in content to many of the publications currently being produced although it did include photographs of nude children. In addition, Person to Person, like its successors, continually denied readers might actually utilize the newsletter to identify

children who might later be molested.<sup>7</sup> They neither advocated nor promoted child sexual abuse and pornography, even though such publications contribute a medium for proponents of such behavior.

The Broad Street Journal began publication in 1971 and was described as the oldest Gay-Ad listing service in the world. The magazine content consisted of classified advertisements directed at an underage male audience and their exploiters. The purpose of these ads was to either solicit sex or seek pornographic materials.<sup>8</sup>

#### Groups and Other Publications

The most active, organized and known of the pro-pedophilia organizations in America would have to be the North American Man-Boy Love Association (NAMBLA). "This organization advocates the cause of adult males to have sexual and emotional relationships with underage males."<sup>9</sup>

According to a U.S. Senate report, this organization's total membership is approximately 400 with active chapters in Los Angeles and San Francisco, as well as a members throughout the United States and other countries.<sup>10</sup> Campagna and Poffenberger differ with this membership total in that they claim there are between 500 and 1000 members as well as active chapters in Boston, New York, Los Angeles, San Francisco and Toronto.<sup>11</sup>

NAMBLA publishes a bulletin ten times each year. Its other publications include an annual journal as well as

various booklets dealing with the subject of pedophile relationships. A typical bulletin will contain information concerning pending legislation, on-going judicial investigations, essays, poems, short stories, photographs of "boys in the media," and occasional art work of adolescent males.<sup>12</sup>

Members of NAMBLA do not shy away from publicity as do some of the other pedophile organizations. A United States Senate report on NAMBLA members concludes "members have marched in gay pride demonstrations around the country, it publishes a monthly newsletter that includes the names of its staff members, its leaders appear on radio and television and the group has regional conferences open to the public."<sup>13</sup> Many NAMBLA members are well-educated professionals, including their national spokesman Robert Rhodes who, at the time of the Senate hearing, was an attorney in the Newark, New Jersey, office of the Internal Revenue Service.

Another well known pedophile support organization is the Childhood Sensuality Circle (CSC). According to Ennew, it "...was founded to dedicate its activities to the liberation of children in the widest sense, with particular attention paid to sexual freedom."<sup>14</sup> Detective William Dworin of the Los Angeles Police Department testified before a Senate committee that at least 30 CSC members had been convicted on child molestation charges.<sup>15</sup>

Like NAMBLA, CSC's ostensible goals were to support the



sexual liberation of children and oppose age of consent laws. Again however, just like NAMBLA, CSC was viewed by law enforcement as a visible contact service for pedophiles and child pornographers. Donald Woodward, a former CSC member and convicted child molester, has stated that most members were pedophiles and a number of them used the organization to communicate with others for the purpose of meeting potential child victims.<sup>16</sup>

Another former CSC member, Joseph Henery, testified that new members were required to complete an application form in five copies and submit a twenty-five dollar membership fee. "The other extra copies of the application were sent to different pedophiles and in return I got copies of other pedophiles' applications and then it was up to me if I wanted to correspond or not."<sup>17</sup> The Childhood Sensuality Circle was disbanded in 1985 following police action against the group by the San Diego County Sheriff's Department as well as the failing health of the founder.<sup>18</sup>

In 1983, David Techter formed the Lewis Carroll Collectors Guild in Chicago.<sup>19</sup> The organization was named after Lewis Carroll, the author of Alice in Wonderland, who is recognized in pedophile circles as an early practitioner of child pornography.<sup>20</sup> The Lewis Carroll Collectors Guild much like NAMBLA and CSC, is another example of a group that openly advocates both adult-child sex and the revision of laws which identify such behavior as a crime.<sup>21</sup> The Guild

publishes a quarterly newsletter, Wonderland, which has an estimated circulation of 225 copies. The publication features news articles and essays concerning pedophilia and the acquisition of child pornography. The newsletter includes numerous advertisements offering to purchase, sell, or trade photographs of children or establish contact with people holding similar prurient interests.<sup>22</sup>

The most infamous but not the largest of the organizations that cater to pedophiles and child pornographers is the Rene Guyon Society (RGS). Through spokesman "Tim O'Hara" whose real name is Jonathan Evan Edwards<sup>23</sup>, the RGS advanced the belief that children - starting at infancy- desire and need sex with adults and other children in order to lead healthy and happy lives. RGS received intensive media exposure when it adopted the motto "sex before eight or else it's too late."<sup>24</sup> The RGS was able to generate a large amount of publicity for their cause through the use of inflammatory tactics such as presenting themselves before a television audience to openly debate their cause. Ennew has estimated that the total membership of RGS at 3000<sup>25</sup> while the organization claims 5000<sup>26</sup> members. William Dworin of the Los Angeles Police Department has testified that these statistics are inflated and claims that the organization was smaller than the estimated 5000.<sup>27</sup>

Two other organizations that need to be discussed are the Pedophile Information Exchange (PIE) and Paedo Alert News

(PAN). Although both of these organizations are European based, they attract numerous American pedophiles and child pornographers through their publications.

The Pedophile Information Exchange (PIE) is based in England. Like NAMBLA and CSC, PIE's major goal has been to seek a revision in child sex legislation. They also coordinate resources and unite their efforts with existing pedophile organizations in Western Europe. PIE publishes a journal entitled, Maggie, and another limited edition publication entitled Contact.<sup>28</sup>

The most sophisticated of all pedophile publications is the English-language Paedo Alert News (PAN), published five times a year in Amsterdam, by the Coltsfoot Press. This publication is distinguished from the others in that it has an impressive international network of correspondents who write its columns. In addition, sections entitled "In Brief," and "The Battle Line" provide a contemporary source of information concerning the international pedophile community. San Bernardino County Sheriff's Deputy R.P. "Toby" Tyler has testified that PAN was one of his primary intelligence sources concerning pedophile activity and the child pornography business.<sup>29</sup>

### Discussion

A relatively large support system for pedophiles and child pornographers has existed in this country and Europe for a number of years. These organizations espouse the

belief that they are advocates working in the interest of children by focusing attention within the area of sexual emancipation. This unusual role presupposes that a child is able to make an informed choice about the matter of sexual development and individual rights. Such a viewpoint is inconsistent with the literature in the area of child development.

The numerous publications directed toward a pedophile and child pornographer constituency serve as a contact system for members of this subculture. These publications provide the basis for such contacts through their well publicized advertisements and classified ads. These publications are closely monitored by police department units concerned with the issue of child pornography.

NOTES

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10 U.S. Senate Report on Child Pornography and Pedophilia, 19.

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## CHAPTER FOUR

### SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

#### Summary

This study reviewed the history, legal background, and various aspects of the child pornography industry. In summary, it has been noted that the history of child pornography dates back to Greek and Roman civilization and that this issue has been dealt with in this country for more than 200 years. Serious efforts at the federal level to eliminate child pornography began in 1977 with the passage of the Protection of Children Against Sexual Exploitation Act. This law was later enhanced by the Child Protection Act of 1984.

This research has also noted that 47 states have passed legislation regulating child pornography. Additionally, the evolution of the child pornography issue has been detailed. Four significant cases were discussed including: Roth v. United States, Miller v. California, New York v. Ferber, and Osborne v. Ohio.

In Roth, the Supreme Court decided that obscenity was not within the area of constitutionally protected speech or press.<sup>1</sup> Miller elaborated on the Roth decision by setting objective standards to measure obscenity.<sup>2</sup> The Ferber case is important because it directly relates to the child pornography issue. In this instance, the Court decided that:

1) child pornography did not have to meet the Miller test in order to be judged obscene, and 2) child pornography did not enjoy the protection of the first amendment.<sup>3</sup> The major impact of this ruling was to allow the states to outlaw the production and distribution of child pornography; however, the question of possession was not addressed by this case. In the case of Osborne v. Ohio, the Court held that the possession of child pornography was in fact illegal.<sup>4</sup> This case was decided in early 1990 and so its full impact on this issue cannot be assessed in this thesis.

Identifying the victims of child pornography is another topic addressed by this research. The literature classifies children involved in this industry into six categories: 1) runaways, 2) second generation sex commercializers, 3) the emotionally impoverished, 4) destitute families, 5) institutional "throwaways", and 6) street kids.<sup>5</sup> O'Brien also noted that these broad categories reflect a wide range of religious, ethnic and socio-economic background among the children who are exploited by pornographers.<sup>6</sup>

In addition, this study discussed the victimizers involved in this crime as well as the victimized. Child pornographers represent diverse backgrounds; however, a characteristic which seems to be in a majority of cases is that of pedophilia. Additionally, collectors of child pornography can be classified into one of the following typologies: 1) The Closet Collector, 2) The Pedophile



Collector, 3) The Cottage Collector, and 4) The Commercial Collector.<sup>7</sup>

Another research area probed by this study was an investigation into the type of information being collected by pornographers. The literature revealed that child pornographers collected various types of media material characterized as: pseudo child nudism, soft-core pornography, hard-core pornography, bestiality, and killing publications. These collections appear in various media forms including periodicals, books, still photographs, film slides and video tapes.<sup>8</sup>

This research identified the methods utilized by the child pornography industry in collection, production, and distribution of banned materials. The closed nature of pornography rings as well as its international nature was discussed in detail. Furthermore, the emergence of a child pornography subculture was clearly established.

The final area addressed by this study was an identification and analysis of the types of organizations and publications advocating child pornography. This research concluded that numerous national and international organizations, and their publications, support and perpetuate the child pornography industry. General information on these organizations is available, although specifics are difficult to obtain due to the clandestine nature of these groups.

### Conclusions

Several conclusions concerning child pornography emerge from this research. Since this study was designed to be exploratory in nature, it was more important to identify problem areas rather than solutions at this time. The conclusions contribute to our knowledge since attention is focused on the critical aspects of child pornography as a criminal justice issue.

The first conclusion drawn from this study is the critical need to totally outlaw child pornography since it exploits a vulnerable youth population which is sometimes alienated from the larger society. The earlier attempts at legislation curtailing child pornography was limited by controversies surrounding the Constitutional guarantee of freedom of the press and speech. However, in the case of Ferber v. New York, the Supreme Court held that child pornography does not enjoy the protections of the first amendment.<sup>9</sup> The decision did not close the final loophole in the current legislation although it outlawed the production and distribution of child pornography. Recently, the U.S. Supreme Court settled this final point in the case of Osborne v. Ohio, effectively outlawing child pornography.<sup>10</sup> The Constitutional issues relating to this question are now answered. Lawmakers must now initiate the final step in this process by enacting legislation declaring child pornography illegal.

Another conclusion of this study concerns the need to separate child pornography from the more generic issue of child sexual abuse when doing research in this area. The critical nature of both these social problems requires the careful attention of criminologists in the future. This study was designed to address child pornography but a discussion of pornography requires reference to the sexual abuse of children. It is a serious limitation to treat child pornography as only a symptom of the more generalized child sexual abuse issue. Both are crimes which need to be studied separately in order to learn more about appropriate methods of prevention and control.

This study has noted that pedophiles and child pornographers gain access to children by volunteering to work with them in youth activity and/or sports programs. This has very serious implications from a policy standpoint. It is the conclusion of this researcher that employment of a background check prior to working with children would be a very worthwhile expenditure of time and effort. Knowing about the people who are supervising and caring for our children must be a priority of responsible program sponsors because such information can serve to reduce potential child exploitation.

Another issue of concern is the extensive network of pedophile organizations and publications identified in this study. The author has concluded that these groups are potentially dangerous and require constant investigation.

Fortunately, some organizations are highly visible and extremely vocal and these are the easiest to monitor. However, law enforcement personnel must remain sensitive to the question of civil rights infringement when investigating these groups.

The literature on child pornography concludes that juvenile runaways are major participants and victims in the child pornography industry. It is the conclusion of this study that this issue must be addressed if child pornography is to be controlled. Furthermore, reducing the number of runaways will lessen their participation in this industry. The availability of federal programmatic funding to assist in resolving this problem of homelessness and the juvenile runaway is imperative.

The final conclusion drawn by this research concerns the importation of child pornography into the United States. This study has indicated that foreign countries are used to produce or launder child pornography. This action by the child pornography industry should be curtailed. Governmental officials should negotiate with governments of countries known to have active child pornography industries in order to close this major source of material used by child pornographers in the United States.

#### Recommendations for Future Research

There is still much to be done in this new research area since the body of information relating to child pornography

remains limited. Research in this area should consider the following unexplored areas:

1. A significant amount of current child pornography research was done with relatively small samples. Burgess and Clark acknowledge this problem in Child Pornography and Sex Rings, noting that the population size used in their study numbered less than 100.<sup>11</sup> Future research must increase sample size to enhance the validity of the results.
2. Strategies for identification and treatment of pedophiles involved in pornography must be developed. Although identification most likely occurs after arrest, intervention methods should be directed toward addressing the causes of offender participation in this activity.
3. A typology for "at risk" children should be developed. Through a method of early identification of potential victims, social workers and others in the helping professions can intervene on behalf of the children.
4. Intervention programs for "at risk" child population groups need to be initiated. Mere identification of potential victims is insufficient. Programs must be in place to deal with these children.
5. Additional infiltration by police of child pornography groups and organizations is required. Currently, ethical concerns over treatment of children hamper police in their investigative efforts. As soon as police officers determine that children are being abused they must take action. Unfortunately, this determination often prevents police from making deep penetrations into pedophile organizations. Although little can be done to force change, other methods can and must be developed for control of these organizations.

Before addressing any of these topics or the numerous questions impacting this issue, it is important that someone or some agency take a leadership role and serve in an advocacy capacity for these exploited victims of the child

pornography industry. Clearly, this interdisciplinary problem cuts across several fields of study including the medical, legal, social work, and criminal justice fields. This study found no one academic discipline addressing child pornography with any great frequency. In fact, both Pierce<sup>12</sup> and Herrmann,<sup>13</sup> have previously criticized the social work field for not identifying itself with the issue of child pornography victims. The criticism leveled by Pierce and Herrmann is highly relevant because social workers are best trained in child welfare and can lead the fight against this insidious social aberration.

It is the children who are most damaged by child pornography, and consequently, our efforts must concentrate on addressing their problems. Social workers are, by training and professional commitment, the most prepared group to deal with this problem. Furthermore, experiences that social work brings to this field from its other child advocacy efforts will tend to add credibility to their efforts directed toward eradicating child pornography.

Therefore, as criminal justice professionals concerned with the welfare of juveniles, our responsibilities are evident at this time. It is incumbent upon us to establish a network of understanding and mutual assistance with the social work profession, serving to ameliorate the pain and suffering that this problem causes our most defenseless group of citizens.

NOTES

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6 Ibid., 65

7 Carol R. Hartman, Ann W. Burgess and Kenneth V. Lanning, "Typology of Collectors," Child Pornography and Sex Rings, eds. Ann W. Burgess and Marianne L. Clark (Toronto: Lexington Books, 1994), 93-106.

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